PTO/SB/01 (03-01)

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**DECLARATION FOR UTILITY OR** 

Attorney Docket Number

PATENT APPLICATION (37 CFR 1.63)  Declaration Submitted Submitted With Initial Filing (surcharge (37 CFR 1.16 (e)) Frequired)  As a below named inventor, I hereby declare that:  My residence, making address, and citizenship are as stated below next to my name.  I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled.  AN INTERVENTEBRIC SPRUEL DEMCE HAVING  ALL H SHAPEO SIR INC. EXEMENTS  (Title of the Invention)  The specification of which  as United States Application Number or PCT International  Application Number  and was amended on (MM/DDYYYY)  as United States Application Number or PCT International  Application Number  and was amended on (MM/DDYYYYY)  (if applicable).  I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.  I acknowledge the duty to disclose information which is melarial to patentability as defined in 37 CFR 1.56, including for confinuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCI international filing date of the confinuation-in-part application. Horizon the part of the prior application and the national or PCI international states of Americ, listed below and have also defined below, the claimed. Seat on a country of the part o	DESIG	N	First Named In	ventor	KALAM		
Declaration Submitted with Initial Filing Date Group Art Unit Filing Date (37 CFR 1.16 (e)) required)  As a below named inventor, I hereby declare that:  Wy residence, mailing address, and citizenship are as stated below next to my name.  I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:  AN INTERVETEBRAY SPACER DEMICE HANDING  ARCH SHAPEO SIR ING EXEMENTS  (Title of the Invention)  The specification of which  as United States Application Number or PCT International  Application Number and was amended on (MM/DDYYYY) (if application).  I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.  I hereby date that I have reviewed and understand the contents of the above identified specification, including for continuation-part applications, material information which became sentiable between the filing date of the prior applications and the national or PCT international filing date of the continuation-in-part application which designed is placed to application on which perspects of parts precipitation for application on which perspects of the prior application on which perspects of parts precipitated below and have also identified below, by checking the box, any foreign application on which perspects of parts precipitated below and have also identified below, by checking the box, any foreign application on which perspects of parts precipitation on which perspects of parts precipitation.  Prior Foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:	PATENT APPLICATION		C	COMPLETE IF KNOWN			
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My residence, mailing address, and ditzenship are as stated below next to my name.  I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:  AN INTERSISTATEBRAY SPACEL DENCE HANDING  ARLIH SHARCO SIR ING EVEMENTS  (Title of the Invention)  The specification of which  is attached hereto  OR  was filed on (MM/DDYYYY)  and was amended on (MM/DDYYYY)  I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.  I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.  I exknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-including find patents of the process of the proces		(37 CFR 1.16 (e))	Examiner Name	9			
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(Page 1 of 2)	Additional foreign application	numbers are listed on a		ta sheet PTO/SB	V02B attached here	to:	

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PTO/SB/01 (03-01)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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### **DECLARATION** — Utility or Design Patent Application

Direct all correspondence to: Customer Num or Bar Code La		OR 💢 Co	rrespondence address below
Name JUSEPH P. EPPLL	O		
Address 150 DAVELAS FD	L		
CHY FAR HUS		State NJ	ZIP 07931
country USA T	elephone 917	3735918	Fax 908 2341729
I hereby declare that all statements made herein of my are believed to be true; and further that these statem made are punishable by fine or imprisonment, or both, validity of the application or any patent issued thereon.	ents were made wit	h the knowledge that willful f	false statements and the like so
NAME OF SOLE OR FIRST INVENTOR:	A petition h	as been filed for this un	signed inventor
Given Name (first and middle [if any])	)	Family Name RA	2PH
Inventor's Signature	Zu//		Date 10/18/2001
Residence: City SEASIDE PAR	K State W	Country US	Citizenship US
Mailing Address P. O. Box 99			
City SEASIDE PARK	State NJ	ZIP 08752	country US
NAME OF SECOND INVENTOR:	A petition has	s been filed for this unsi	gned inventor
Given Name (first and middle [if any]) STEPHEN		Family Name or Surname	TAR
Inventor's Signature Styl July	<b>.</b>		Date (0/18/2001
Residence: City MUNTVAVE	State NJ	Country US	Citizenship US
Mailing Address 45 UPP MC	NATAN A	20	
City MONTVALE	State NJ	ZIP 67045	Country US
Additional inventors are being named on the:	supplemental Additio	onal Inventor(s) sheet(s) PTO	/SB/02A attached hereto.

Please type a plus sign (+) inside this box

PTO/SB/02A (11-00)
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#### **DECLARATION**

ADDITIONAL INVENTOR(S)
Supplemental Sheet
Page \_/\_ of \_/\_

Name of Additional Joint Inventor, if a	ny:			A petition has been file	d for t	his unsigned inventor
Given Name (first and middle [if any])			Family Nam	e or S	umame	
UDSEPH P.				ERRU	2	
Inventor's Signature						Date [0/18/2001
Residence: City KIRK LAND	Sta			Country VS		Citizenship VS
Mailing Address 4503 102	<u>m</u>	LAN	€,	NE		
Mailing Address						
city KIRKLAND	Sta	to Wf	\	ZIP 98033 C	ountr	y US
Name of Additional Joint Inventor, if a	ny:			A petition has been filed	for thi	s unsigned inventor
Given Name (first and middle [if any	<u>(</u> ))			Family Nam	e or S	urname
Inventor's Signature						Date
Residence: City	Sta	ate	$\perp$	Country		Citizenship
Mailing Address						
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City	St	ate		ZIP	Cou	ntry
Name of Additional Joint Inventor, if a	ny:			A petition has been filed for	or this	unsigned inventor
Given Name (first and middle [if any]	)			Family N	ame c	or Surname
Inventor's Signature						Date
Residence: City	Stat	•		Country		Citizenship
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PTO/SB/81 (02-01)

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#### **POWER OF ATTORNEY OR AUTHORIZATION OF AGENT**

Application Number	
Filing Date	11/18/2003
First Named Inventor	Ralph;
Title Intervertebral Spacer	Device Having Arched Shaped Spring Elements
Group Art Unit	
Examiner Name	
Attorney Docket Number	F-305

I hereby appoint:				
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as my/our attorney(s)	or agent(s) to prosecute the	e application ide	ntified above	and to transact all
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	tor. ord of the entire interest. Ser 37 CFR 3.73(b) is enclosed			
	SIGNATURE of Applic	cant or Assignee	of Record	
Name Joseph	P. Errico, CEO,	SpineCore, In	c.	
Signature	$\sim$			
Date 11/	18/2003			
NOTE: Signatures of all the inve forms if more than one signature	Intors or assignees of record of the	the entire interest or	their representation	ve(s) are required. Submit multiple
	orms are submitted.			

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SI	ATEMENT UN	NDER 37 CFR 3.73(b)	
Applicant/Patent Owner: James D. R	alph;	Stephen Tatar;	Joseph P. Errico
Application No./Patent No.:		Filed/Issue Da	te:11/18/2003
Entitled: Interverte	bral Spacer Devic	e Having Arched Shaped Spri	ing Elements
SpineCore, Inc.	, a	Delaware	corporation
(Name of Assignee)			tnership, university, government agency, etc.)
atatan that it in			
states that it is:  1.   the assignee of the entire right,	title and inter	est: or	
2. $\square$ an assignee of less than the ent	•	•	
The extent (by, percentage) of it	is ownership in	nterest is%	
in the patent application/patent identification	ed above by v	rirtue of either:	
A. [ ] An assignment from the invento was recorded in the United Stat which a copy thereof is attached	es Patent and		
OR			
B. [x] A chain of title from the inventor assignee as shown below:			
1. From: Inventor	ors 	To:SpineCo	ore, LLC
Reel <u>012275</u> , Fran	ne0567	7, or for which a	copy thereof is attached.
2. From: SpineCore	, LLC	To:Third Millennium	n Engineering, LLC
The document was record Reel <u>012850</u> , Fran	ed in the Unite	ed States Patent and Tra	ademark Office at
3. From: Third Millennium Eng	gineering, LLC	To: SpineC	Core, Inc.
The document was record Reel <u>attached</u> , Fran	ed in the Unite	ed States Patent and Tra	ademark Office at
[ ] Additional documents in the	ne chain of title	e are listed on a supplen	nental sheet.
[ x] Copies of assignments or other doc [NOTE: A separate copy (i.e., the o must be submitted to Assignment D recorded in the records of the USP	riginal assigni Division in acco	ment document or a true ordance with 37 CFR Pa	e copy of the original document)
The undersigned (whose title is supplied	d below) is au	thorized to act on behalt	f of the assignee.
11/18/2003			Joseph P. Errico,
Date		Туре	ed or printed name
		CEO, Spi	Signature neCore, Inc.
			Title

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

### ASSIGNMENT AND ASSUMPTION AGREEMENT

This Assignment and Assumption Agreement (the "Agreement") is effective January 21, 2003 (the "Effective Date") and is among Third Millennium Engineering, LLC., a Delaware limited liability company of Summit, New Jersey ("Millennium"), Third Millennium Enterprises, LLC ("Enterprises") and SpineCore, Inc., a Delaware corporation of Summit New Jersey (the "Company").

Millennium or Enterprises owns or controls certain inventions which are embodied by or encompassed in certain issued patents and pending patent applications, as identified in attached Schedule (collectively, the "Inventions").

For good and sufficient consideration, Millennium and Enterprises hereby irrevocably sells and assigns to the Company, and the Company hereby assumes, Millennium's and Enterprises' entire right, title, and interest in the Inventions throughout the world, and in and to all applications for patent and patents for the Inventions, in all countries of the world, including all divisions, reissues, continuations, substitutions and extensions thereof, and all rights arising under or pursuant to any and all international agreements, treaties or laws relating to the protection of industrial property, including rights of priority, resulting from the filing of any of said applications.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the Effective Date set forth above.

Third Millennium Engineering, LLC	SpineCore, Inc.
By: Joseph P. Evris Esq. Title: Manager  Date: 1/21/03	By: Joseph P. Erviw, Esq.  Title: CEO  Date: 1/21/03
Third Millennium Enterprises, LLC	
By: Joseph P. Evnus Esq.  Title: Manager  Date: 1/21/03	

### Schedule of Patents and Patent Applications

Title	Country	Particulars
Artificial Intervertebral Disc	USA	US Application Serial No.
Having Limited Rotation Using		10/256,160
a Captured Ball and Socket	·	10/230,100
Joint With a Solid Ball and		Filed 26 9 2000
Compression Locking Post		Filed 26-Sep-2002
Artificial Intervertebral Disc	USA	TIC A1:
Having a Captured Ball and		US Application Serial No.
Socket Joint With a Solid Ball		10/294,981
and Compression Locking Post		777
Artificial Intervertebral Disc	USA	Filed 14-Nov-2002
Having Limited Rotation Using	UBA	US Application Serial No.
a Captured Ball and Socket		10/294,985
Joint With a Compression		
Locking Post and a Solid Ball		
Having a Protrusion		Filed 14-Nov-2002
Artificial Intervertebral Disc	TICA	
Having Limited Rotation Using	USA	US Application Serial No.
a Captured Ball and Socket		10/294,986
Joint with a Solid Ball, a		
Compression Locking Post and		
an Interference Pin		Filed 14-Nov-2002
Artificial Intervertebral Disc	TTO	
Having Limited Rotation Using	USA	US Application Serial No.
a Captured Ball and Socket		10/294,989
Joint with a Solid Ball, a		
Compression I odina Day		·
Compression Locking Post and		Filed 14-Nov-2002
an Interference Ball Bearing		
Artificial Intervertebral Disc	USA	US Application Serial No.
Having a Captured Ball and		10/294,983
Socket Joint With a Solid Ball		
nd Retaining Cap		Filed 14-Nov-2002
rtificial Intervertebral Disc 1	JSA	US Application Serial No.
laving Limited Rotation Using		10/294,982
Captured Ball and Socket	•	,
pint With a Solid Ball and		Filed 14-Nov-2002
etaining Cap		

Title	Country	Particulars
Artificial Intervertebral Disc Having Limited Rotation Using	USA	US Application Serial No. 10/294,984
a Captured Ball and Socket Joint With a Retaining Cap and a Solid Ball Having a Protrusion		Filed14-Nov-2002
Artificial Intervertebral Disc Having Limited Rotation Using	USA	US Application Serial No. 10/294,980
a Captured Ball and Socket Joint with a Solid Ball, a Retaining Cap, and an Interference Pin		Filed 14-Nov-2002
Artificial Intervertebral Disc Having Limited Rotation Using a Captured Ball and Socket	USA	US Application Serial No. 10/294,988
Joint with a Solid Ball, a Retaining Cap, and an Interference Ball Bearing		Filed 14-Nov-2002
ntervertebral Spacer Device	USA	United States Patent No. 5,989,291
nto-root 1 . 1 G . D .		Issued 23-Nov-1999
ntervertebral Spacer Device laving a Radially Thinning celleville Spring	USA	US Application Serial No. 09/968,047
40		Filed 1-Oct-2001
tilizing a Belleville Washer aving Radially Extending rooves	USA	US Application Serial No. 09/968,046
tervertebral Spacer Device	USA	Filed 1-Oct-2001
aving a Radially Thinning otted Belleville Spring	USA	US Application Serial No. 09/968,045
amontol1 Ci.		Filed 1-Oct-2001
ilizing a Spirally Slotted lleville Washer Having	USA	US Application Serial No. 09/970,479
dially Extending Grooves		Filed 4-Oct-2001

Title	Country	Particulars
Intervertebral Spacer Device Utilizing a Belleville Washer Having Radially Spaced	USA	US Application Serial No. 09/974,154
Concentric Grooves		Filed 11-Oct-2001
Intervertebral Spacer Device Utilizing a Spirally Slotted Belleville Washer Having Radially Spaced Concentric	USA	US Application Serial No. 09/975,471 Filed 11-Oct-2001
Grooves		1100111-001-2001
Intervertebral Spacer Device Utilizing a Spirally Slotted Belleville Washer and a Rotational Mounting	USA	US Application Serial No. 10/040,801
		Filed 7-Jan-2002
Tension Bearing Artificial Disc Providing a Centroid of Motion Centrally Located Within an	USA	US Application Serial No. 10/151,280
Intervertebral Space Artificial Intervertebral Disc	777	Filed 20-May-2002
Utilizing a Ball Joint Coupling	USA	US Application Serial No. 10/175,417
Artificial Intervertebral Disc	7.55	Filed 19-Jun-2002
Having a Slotted Belleville Vasher Force Restoring Clement	PCT	PCT Application Serial No. PCT/US02/19660
wificial Table 11 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		Filed 19-Jun-2002
rtificial Intervertebral Disc laving a Grooved Belleville lasher Force estoring Element	PCT	PCT Application Serial No. PCT/US02/19654
rificial Into-root 1 1 1 1 2:	T. 70	Filed 19-Jun-2002
aving a Slotted Belleville asher Force Restoring ement	USA ·	US Application Serial No. 10/177,013 Filed 21-Jun-2002
ervertebral Spacer Device wing Arch Shaped Spring ements	USA	US Application Serial No. 09/982,148

Title	Country	Particulars
		Filed 18-Oct-2001
Intervertebral Spacer Device	USA	
Having a Domed Arch Shaped		US Application Serial No. 10/035,640
Intervertebral Spacer Device	TICA	Filed 9-Nov-2001
Having a Slotted Domed Arch Strip Spring	USA	US Application Serial No. 10/035,614
Intervertebral Spacer Device		Filed 9-Nov-2001
Having a Slotted Partial Circular Domed Arch Strip	USA	US Application Serial No. 10/035,669
Spring		Filed 9-Nov-2001
Intervertebral Spacer Device Having a Multi-Pronged Domed Spring	USA	US Application Serial No. 10/035,668
		Filed 9-Nov-2001
Artificial Intervertebral Disc Having an Arched Spring Force Restoring Element	PCT	PCT Application Serial No. PCT/US02/19656
Intertrartahral Control D	- <u></u>	Filed 19-Jun-2002
Intervertebral Spacer Device Having a Wave Washer Force Restoring Element	USA	US Patent No. 6,468,310
ntervertebral Spacer Device	TTO	Issued 22-Oct-2002
Having a Spiral Wave Washer Force Restoring Element	USA	US Application Serial No. 09/906,118 (Allowed Claims)
rtificial Intervertebral Disc	PCT	Filed 16-Jul-2001
laving a Wave Washer Force estoring Element	~ ~ .	PCT Application Serial No. PCT/US02/19659
		·
difficial Later distribution		Filed 19-Jun-2002
rtificial Intervertebral Disc aving a Wave Washer Force estoring Element	JSA	US Application Serial No. 10/177,377
		Filed 21-Jun-2002

Title	Country	Particulars
Intervertebral Spacer Device Having a Wave Washer Force Restoring Element	USA	US Application Serial No. 10/272,580
Artificial T		Filed 16-Oct-2002
Artificial Intervertebral Disc Having a Spider Spring Force Restoring Element	PCT	PCT Application Serial No. PCT/US02/19651
Artificial Intervertebral Disc Having a Spider Spring Force	USA	Filed 19-Jun-2002 US Application Serial No.
Restoring Element		10/177,378 Filed 21-Jun-2002
Intervertebral Spacer Having a Flexible Wire Mesh Vertebral Body Contact Element	USA	US Application Serial No. 10/128,619
Artificial Intervertebral Disc Having a Flexible Wire Mesh Vertebral Body Contact Llement	USA	Filed 23-Apr-2002 US Application Serial No. 10/140,153 Filed 7-May-2002
artificial Intervertebral Disc	D.C.	
Having a Deformable Wire Mesh Vertebral Body Contact	PCT	PCT Application Serial No. PCT/US02/19657
lement		Filed 19-Jun-2002
estrumentation and Methods or Use In Implanting an ertificial Disc	JSA	US Application Serial No. 10/282,356
athod of Charles II II		Filed 29-Oct-2002
ethod of Surgically Treating Uoliosis	JSA.	US Patent No. 6,447,548
ial Intervertebral Distraction U	SA	Issued 10-Sep-2002
acers		US Application Serial No. 09/906,119
		Filed 16-Jul-2001

Title	Country	Particulars
Insertion Tool For Use With Trial Intervertebral Distraction	USA	US Patent No. 6,428,544
Spacers		Issued 6-Aug-2002
Insertion Tool For Use With Tapered Trial Intervertebral	USA	US Patent No. 6,478,801
Distraction Spacers		Issued 12-Nov-2002
Porous Intervertebral	USA	LIC Detector Comments
Distraction Spacers		US Patent No. 6,471,725
Surgical Method of Treating	7.77	Issued 29-Oct-2002
Scoliosis	USA	US Application Serial No. 09/906,124
Mathad of Div		Filed 16-Jul-2001
Method of Distracting Vertebral Bones	USA	US Patent No. 6,436,102
Voutal al D		Issued 20-Aug-2002
Vertebral Bone Distraction	USA	US Application Serial No.
Instruments		09/906,126
Instruments for Reorienting	770	Filed 16-Jul-2001
Vertebral Bones for the	USA	US Application Serial No.
Treatment of Scoliosis		09/906,134
nsertion Tool For Use With	TTO	Filed 16-Jul-2001
Intervertebral Spacers	USA	US Application Serial No. 09/906,127
		Filed 16-Jul-2001
nsertion Tool For Use With	USA	US Application Serial No.
rial Intervertebral Distraction pacers		10/115,751
ethod of Dist		Filed 3-Apr-2002
lethod of Distracting ertebral Bones	USA	US Application Serial No.
errentar Roues		10/222,332
ethod of Criminally Tr	70.	Filed 16-Aug-2002
lethod of Surgically Treating coliosis	JSA	US Application Serial No.
		10/223,146
	•	Filed 19-Aug-2002

Title	Country	Particulars
Porous Intervertebral Distraction Spacers	USA	US Application Serial No. 10/223,148
Insertion Tool For Use With Tapered Trial Intervertebral Distraction Spacers	USA	Filed 4-Oct-2002 US Application Serial No. 10/223,147
Static Trials and Related Instruments and Methods for Use in Implanting an Artificial Intervertebral Disc	USA	Filed 19-Aug-2002 US Application Serial No. 10/309,585
Femoral Ring Loader	USA	Filed 4-Dec-2002 US Patent No. 6,440,142
Distraction Instrument for use n Anterior Cervical Fixation Surgery	USA	US Application Serial No. 10/003,000
pacer Device and Insertion astrument for use in Anterior ervical Fixation Surgery	USA	Filed 30-Nov-2001 US Application Serial No. 10/001,531
emoral Ring Loader	USA	Filed 30-Nov-2001 US Application Serial No. 10/075,688